UNITED
NATIONS

A

General Assembly

Distr.
LIMITED

A/AC.182/L.87
21 February 1996

ORIGINAL: ENGLISH

SPECIAL COMMITTEE ON THE CHARTER OF
THE UNITED NATIONS AND ON THE
STRENGTHENING OF THE ROLE OF THE
ORGANIZATION
New York, 21 February-5 March 1996

STATUS OF THE REPERTORY OF PRACTICE OF UNITED NATIONS ORGANS AND OF THE REPERTOIRE OF PRACTICE OF THE SECURITY COUNCIL

Note by the Secretariat

1. In paragraph 4 (f) of its resolution 50/52 of 11 December 1995, the General Assembly requested the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization to consider the status of the Repertory of Practice of United Nations Organs and the Repertoire of the Practice of the Security Council.

2. The present note has been prepared to facilitate the Special Committee's task in responding to the above request.

I. STATUS OF THE REPERTORY OF PRACTICE OF UNITED NATIONS ORGANS

A. Background

3. By a letter dated 13 July 1953, Argentina requested the Secretary-General to include an item in the provisional agenda of the eighth session of the General Assembly entitled "Publication of documents concerning the drafting and application of the Charter". In its explanatory memorandum, Argentina, inter alia, stated:

> "In the seven years that the United Nations has been in existence, a number of its organs have acquired extensive experience in applying the provisions of the Charter and in so doing has created precedents. In view of the multiplicity of the documents, it is difficult to obtain an adequate knowledge of the practice thus established. A repertory of the practice of

United Nations organs on selected subjects, based exclusively on official documents and written objectively without comment, would be most useful." 1/

4. The item was referred to the Sixth Committee, which considered it on the basis of a memorandum submitted by the Secretary-General. 2/ Under the heading "Coordinated study of the application of the Charter", the Secretary-General observed that he had given attention to the usefulness of a more coordinated study regarding the application of the provisions of the Charter. As a result, he had decided that the first project to be undertaken would be the preparation of a repertory of practices under the Charter. The object of the Secretariat study was to provide, in a concise and useful form, a summary of United Nations practice in respect of all the Articles of the Charter, emphasis being placed upon those Articles or provisions in regard to which significant practice had developed in the organs of the United Nations throwing light upon the interpretation or application of particular provisions. The material would be organized primarily under the various Articles of the Charter, though in many cases a significant problem or topic would be dealt with under interrelated Articles, while in other cases, a topic falling under a part of an Article would be treated separately. The study would be a reference work which would include appropriate references to the records, with a treatment of the substance of the Article which would be comprehensive enough and sufficiently analytical to provide a basis for conclusions to be drawn by the reader.

5. In its resolution 796 (VIII) of 27 November 1953, adopted on the recommendation of the Sixth Committee, the General Assembly requested the Secretary-General to prepare, publish and circulate among the Member States, during 1954 or shortly thereafter, a repertory of the practices of United Nations organs, appropriately indexed.

6. Subsequent to the adoption of resolution 796 (VIII) and to the publication of the initial Repertory (in five volumes), the General Assembly, in a series of resolutions, 3/ requested the Secretary-General to continue to prepare and circulate supplements. The purpose of the project was described by Dag Hammarskjöld, in his preface to volume I of the Repertory as being twofold: first to facilitate consideration at the tenth annual session of the General Assembly of the proposal to hold a General Conference of the Members of the United Nations for the purpose of reviewing the Charter, as provided in Article 109, paragraph 3, thereof; and second, to contribute to the knowledge and understanding of the Charter as it was applied in practice by organs of the United Nations.

7. As originally envisaged, the Repertory focused on the presentation of decisions of United Nations organs but also summarized the relevant views of delegations.

8. For the purposes of the Repertory, the term "decision" has been defined as any act of a United Nations organ adopting or rejecting, by vote or otherwise, a proposal in whatever form made. Included are advisory opinions of the International Court of Justice and decisions taken by the Secretariat in matters in which its competence extends to the interpretation and application of the Charter.

9. Not all decisions are treated in the Repertory. The decisions to be included are selected on the basis of the following criteria:

(a) Whether the decision refers to a Charter Article;

(b) Whether the decision contains language taken from, or closely akin to that of a Charter provision;

(c) Whether the decision was adopted following a discussion during which a Charter provision was invoked;

(d) Whether there is a clear implication that the decision is directly related to a Charter provision.

10. While all the decisions included in the Repertory meet one or another of these criteria, not all decisions meeting those criteria are included. The method is so far as possible to present a selection of illustrative and representative decisions (excluding, for instance, decisions of a repetitive or routine character and decisions which merely implement a general programme laid down in a prior resolution) rather than an exhaustive compilation.

11. As for summaries of views expressed in the course of the discussions leading to specific decisions, they had originally been considered as useful to clarify the respects in which the decisions were relevant to the Charter. It should however be noted that, in 1978, the Committee for Programme and Coordination, after reviewing the relevant recommendations of the Office of Legal Affairs, 4/ as contained in the proposed medium-term plan for the period 1980-1983, recommended to the General Assembly that:

> "... after the completion of Supplement No. 4 to the Repertory of Practice of United Nations Organs (the Charter Repertory), covering the period 1 September 1966 to 31 December 1969, which was currently under preparation, further supplements should be recast so as to record primarily those actions, mainly of principal organs, that bore directly on the interpretation of any provision of the Charter." 5/

The General Assembly, in taking note, in its resolution 33/118 of 19 December 1978, of the proposed medium-term plan for the period 1980-1983, requested the Secretary-General to use it in the light of the comments of the Committee for Programme and Coordination on individual plan sections.

12. In accordance with the procedures established at the time of inception of the publication, the preparation of the Repertory involves the following steps:

(a) The first step is the drafting of studies on the 111 Articles of the Charter. That task is assigned in each case to the Secretariat unit most closely concerned with the Charter Article in question. The 135 studies had originally been assigned to 10 separate departments. As a result of changes in the structure of the Secretariat, the number of departments involved in the preparation of studies has now been reduced to six (see the annex to the present note);

(b) When completed, each draft study is submitted to the Office of Legal Affairs for a preliminary review, which generally results in a request to the originating unit to revise its draft, a process which may have to be repeated several times;

(c) Each revised draft study is then reviewed by an Interdepartmental Review Committee composed of a Chairman (from the Office of Legal Affairs), a Vice-Chairman and a representative of the concerned Secretariat unit;

(d) After clearance by the Review Committee, each study has to undergo editing;

(e) Once all the studies to be included in a particular volume of the supplement concerned have been edited, the volume is submitted to the competent services of the Secretariat for translation into French and Spanish and printing in all three languages.

13. Since 1955, the following Repertory volumes have been issued:

	Period covered	Date of issuance		
		English	French	Spanish
Basic five volumes	1946-31 August 1954			
Vol. I: Articles 1-22		1955	1955	1956
II: 23-54		1955	1956	1956
III: 55-72		1955	1956	1956
IV: 73-91		1955	1956	1956
V: 92-111		1955	1956	1956
Table of contents and subject index to vols. I to V		1957	1968	1974
Supplement No. 1	1 September 1954-31 August 1956			
Vol. I: Articles 1-54		1958	1959	1959
II: 55-111		1958	1960	1959
Supplement No. 2	1 September 1956-31 August 1959			
Vol. I: Articles 1-8		1964	1974	1974
II: 9-54		1964	1974	1974
III: 55-111		1963	1963	1975
Supplement No. 3	1 September 1959-31 August 1966			
Vol. I: Articles 1-22		1972	1981	1981
II: 23-72		1971	1982	1983
III: 73-91		1972	1982	1989
IV: 92-111		1973	1984	1983

	Period covered	Date of issuance		
		English	French	Spanish
Supplement No. 4	1 September 1966-31 December 1969			
Vol. I: Articles 1-54		1980	1983	1990
II: 55-111		1982	1985	
Supplement No. 5	1 January 1970-31 December 1978			
Vol. I: Articles 1-22		1987	1990	1993
II: 23-54		1986	1990	1989
V: 92-111		1986	1990	1991

14. As appears from the above table, two volumes of Supplement No. 5, namely volumes III and IV (relating to Articles 55 to 91) are outstanding. Work on Supplement No. 6 has been initiated in some of the contributing units but is far from completed. It should be recalled that during the fortieth session of the General Assembly, the Legal Counsel indicated that work was progressing on these matters. 6/

B. Difficulties encountered

15. The various Secretariat units responsible for the preparation of draft studies have found it increasingly difficult to assign staff members to a task which can only be carried out with resources available after more urgent tasks have been accomplished and which has, with the passage of time, reached staggering proportions. The problem is compounded by the increase in the workload of those units as well as staff reductions and other measures related to the financial situation of the Organization.

16. Even assuming that the preparation of draft studies by the Secretariat units concerned could proceed at a sufficiently rapid pace to ensure a greater currency in the production of the Repertory, the mammoth task which the Office of Legal Affairs would be confronted with in the discharge of its review and coordinating responsibilities could not conceivably be performed with existing resources. In this connection it should be noted that prior to 1971, the Office of Legal Affairs had relied extensively on consultants for the review and coordinating work involved. However, starting in the 1970s, the availability of funds for consultants has progressively been reduced to nil by the General Assembly and that source of assistance is no longer available.

17. The single post of Repertory Officer which was added to the Office of Legal Affairs in 1971 7/ was already insufficient when initially established and the growing pressure of legal work in the Office has made it increasingly impractical to assign a legal officer to perform the extensive work associated with the production of the Repertory.

18. The present arrangements for the production of the Repertory furthermore suffer from two main defects:

(a) The entire operation, encompassing both the preparation of initial studies and the subsequent review and coordinating work, is, as indicated above, carried out with resources only available after more urgent tasks have been accomplished - a situation which is the result not of a deliberate decision but of necessity, inasmuch as the demands on the Secretariat units concerned are for the most part of a current nature and cannot be subordinated to work on the Repertory;

(b) Responsibility for the preparation of the initial studies rests with a variety of units over which the Office of Legal Affairs does not have any administrative control, with the result that there is no one with the required degree of administrative authority to effectively oversee the project.

19. In identifying the difficulties encountered in producing supplements to the Repertory according to initial plans, account should also be taken of the fact that the publication, by its very nature, requires extensive editorial work. Until the early 1970s, the Office of Legal Affairs had received considerable support from a special small editorial unit financed by the then Department of Conference Services. With the completion of Supplement No. 3, however, the general financial stringency prevailing in the Organization has necessitated the discontinuation of that unit. It is highly unlikely that the Editorial Control Unit or the Official Records Editing Section of Conference Services would find it possible, at the present juncture, to absorb the considerable amount of editing work involved in the production of a single supplement, let alone several supplements. It should finally be recalled that the Repertory is issued in English, French and Spanish. Here again, it is highly unlikely that the Translation and Editorial Division of Conference Services could absorb the considerable amount of recurrent translation work involved. Qualified freelance editors and translators would therefore have to be found and the corresponding financial resources identified to produce the Repertory as initially envisaged.

C. Possible courses of action

20. The following possible courses of action have been identified:

(a) A first option would be to establish within a particular department and under the authority of the head of that department a new Repertory unit which would be responsible for: (i) the preparation of all initial studies; (ii) the finalization of studies once cleared by the concerned Secretariat unit; and (iii) the coordination work;

(b) A second option would be to have the Office of Legal Affairs carry out the entire project (preparation of initial studies, review of those studies and coordination) with existing resources;

(c) A third option would be to dispense with the Repertory for the reasons outlined by the Office of Legal Affairs in the medium-term plan for the period 1980-1983; 8/

(d) A fourth option would be to accept offers by private associations or other outside bodies to assist the Organization in carrying out the project under the supervision of the Office of Legal Affairs;

(e) A fifth option would be to adjust the current arrangements as follows:

(i) The initial studies on individual Charter provisions would continue to be prepared by the concerned Secretariat unit; 9/

(ii) Within the Office of Legal Affairs, the task of preparing initial studies on individual Charter provisions would be divided among the main units of the Office at Headquarters;

(iii) The review work would be conducted by a single division to be decided by the Legal Counsel; the Director of that division would act as Chairman of the Interdepartmental Review Committee (see para. 12 (c) above) and as Repertory Coordinator responsible for submitting regular progress reports to the Legal Counsel, sending reminders to the heads of defaulting departments, compiling the manuscripts of each volume and submitting them for publication and translation. Under a first variant of this option, the review work would be conducted with existing resources. Under a second variant, additional resources in the form of intermediate-level posts or consultancy funds would be provided to the Office of Legal Affairs.

21. The arrangements proposed under the first option, aside from remedying the defects described in paragraph 18 above, would have the advantage of concentrating the work in the hands of specialists, in the interest of efficiency, consistency and editorial accuracy. Despite its theoretical merits, however, this option does not appear workable at the present juncture, bearing in mind that the departments concerned would probably find it impossible to contribute any post to the constitution of the contemplated Repertory unit and that the General Assembly would not provide the resources necessary for the creation of new posts.

22. The second option, under which the project would be entirely conducted by the Office of Legal Affairs from within existing resources, has the same theoretical advantages as the first option, but is unrealistic.

23. The third option is for the competent legislative organs to ponder and is not one on which the Office of Legal Affairs feels appropriate to comment further, bearing in mind that the project has been mandated by the General Assembly, which has repeatedly urged its continuation.

24. The fourth option presents a number of difficulties which make it impractical. While there might be a number of private associations or other bodies willing to undertake the project, the research into the files of the Organization required to complete the project would be extensive. Such research would inevitably raise questions of access by non-staff members of the Organization, in some instances, to sensitive material. Moreover, because of the scope of the project and the unfamiliarity of outside personnel with the files, supervision or other assistance in completing the project would probably

involve substantial resources not only of the Office of Legal Affairs but of offices throughout the Organization, diminishing in great part the benefits of this approach.

25. The fifth option does not correct the defects identified in paragraph 18 above since responsibility for the preparation of the majority of the 135 initial studies 10/ would continue to rest with Secretariat units over which the Office of Legal Affairs has no administrative control and which are faced with the difficulties referred to in paragraph 15 above. Elevating to the D-2 level the functions of Chairman of the Interdepartmental Review Committee and Repertory Coordinator which were previously performed at the D-1 or P-5 level would partly remedy the defect referred to in paragraph 18 (b) above. The concentration of the review work within a single division would on the other hand place a heavy burden on that division.

26. The fifth option appears to be, in the present circumstances, the only solution which is realistic and may be reasonably envisaged. However, even with respect to that option, it is unrealistic to expect that significant progress can be accomplished in the current period of financial crisis and diminishing resources. Already now, it can be foreseen that this task cannot be given priority over other urgent responsibilities. It is therefore unlikely that the current backlog could be reduced. Indeed, under current circumstances, there is a serious risk that the backlog could even increase. Also, the dissatisfaction among staff at not being able to produce the expected results while at the same time not being able to explain their situation to the legislative bodies is a serious drawback. The only reliable way of securing a timely production of the Repertory is unquestionably to allocate additional resources for the purpose. This matter is for the competent legislative organs to consider.

27. Since the production of the Repertory is of necessity a residual task, the elimination of the backlog starting with the year 1979 is not an attainable short-term or even medium-term objective. It would therefore seem advisable to proceed as has been done in the case of another publication which had also seriously fallen behind, namely the United Nations Juridical Yearbook, and to actively resume work on the Repertory with the production of a supplement covering recent years, for instance the period 1990-1996, on the understanding that outstanding volumes would be prepared at a later stage, depending on availability of resources. In support of this approach, it may be pointed out that considerable changes have taken place on the political scene starting in the 1990s and that the practice of United Nations organs during the current decade is likely to be of more direct interest to States than the practice of the two previous decades.

28. The immediate objective would be to produce the supplement for the period 1990-1996 in an unedited English version. Since, as indicated above, it is unlikely that the competent services of the Secretariat could absorb the editing, translation and printing work involved, the necessary additional resources for contractual editing and translation, as well as printing, would probably, in due course, have to be requested from the General Assembly.

II. STATUS OF THE REPERTOIRE OF THE PRACTICE OF THE SECURITY COUNCIL

A. Background

29. The suggestion for the preparation of a repertoire of the practice of the Security Council was made by the representative of the United Kingdom in the Sixth Committee at the sixth session of the General Assembly. Upon the recommendation of the Committee, the General Assembly, by its resolution 602 (VI) of 1 February 1952 entitled "Ways and means for making the evidence of customary international law more readily available", requested the Secretary-General to submit to it, at its seventh session, a report containing, inter alia, detailed plans as to the form, contents and budgetary implications in regard to the possible publication of a volume containing a repertoire of the practice of the Security Council.

30. After considering the report of the Secretary-General, and upon the recommendation contained in the report of the Sixth Committee, the General Assembly adopted resolution 686 (VII) of 5 December 1952, by which it authorized the Secretary-General to undertake, as soon as feasible, the publication of a repertoire of the practice of the Security Council and requested him to prepare and circulate to the Member States a comparative study of the extent to which developments in the field of customary international law and selected legal activities of the United Nations could usefully be covered by the proposed publication.

31. The Repertoire of the Practice of the Security Council was designed to make the material contained in the Official Records "more readily available" and to serve as a reference source for Governments, delegations, the Secretariat, publicists, jurists, scholars and other users. The publication gives an analytical summary of the proceedings of the Council and arranges the material by categories in texts, tables or in the form of "cases", organized according to the provisional rules of procedure of the Security Council and by Articles of the Charter of the United Nations.

32. In mandating the production of the Repertoire, the Member States were mindful of difficulties in presenting the practice of the Security Council which might arise in any effort to arrange the decisions of the Council under headings taken exclusively from the language of the Charter. Reasons for their concern included the consideration that the decisions of the Council were so varied in nature that any attempt to arrange them within the language of the Charter would involve an artificial attribution of decisions, or parts of decisions, to whatever Articles of the Charter appeared most appropriate. A second, more important difficulty was that the Council itself refrained from invoking particular Articles of the Charter in connection with its actions. The material was therefore arranged in the order in which the procedural problems tended to arise. Special reference was to be made to the decisions and statements explicitly related to the text of the Charter. This method, although involving classification of an arbitrary character by means of headings, would have the valuable advantage of considerable flexibility and would also demonstrate the kinship of various entries.

33. Considering that the Security Council, within the framework of the Charter, is and should remain master of its own procedure and that any formalization of the procedures might impede the Council in the discharge of its responsibilities under the Charter, the requirements set forth for the treatment of the material explicitly cautioned against even the appearance of codification. Introductory observations were meant to draw attention to common elements and, while giving coherence to entries, were not supposed to convey the impression of codified statements of practice.

34. The basic principles and guidelines carefully devised by the Member States with respect to presentation and interpretation of the practices and the decisions of the Security Council in the Repertoire were later applied to the treatment of the material in the Repertory.

35. The Secretary-General, in a report submitted to the seventh session of the General Assembly, 11/ commented on the requirements inherent in the nature of the task as follows:

> "Firstly, the Repertoire should avoid taking any position, even in the manner of classifying and presenting the material, on the question whether the practices of the Council constitute precedents which have any binding character for the future.
>
> "In the second place, the classification must avoid posing theoretical problems which have not so far been met with in the experience of the Council. It would seem to follow from the discussions in the Sixth Committee that the Repertoire should confine itself to setting forth the practices to which the Security Council has actually had recourse, rather than analysing the wide range of procedures and decisions possible under the Charter.
>
> "Lastly, the Repertoire should present, in a readily accessible form, all the relevant data regarding the practice and procedure of the Council, but should not itself constitute a work of codification or interpretation. It should be left entirely to the reader to draw conclusions as to the interpretation of the Charter and the provisional rules of procedure."

The requirements listed above continue to guide the ongoing work on the Repertoire.

36. The method of entry of material is as follows: the chain of proceedings on a particular issue is presented in a summary way, accompanied by footnotes containing references to the places in the records where the statements of representatives speaking on a matter can be found. Where the chain of proceedings thus summarized led to a decision of the Council, details of the decision are included where appropriate.

37. The Repertoire thus contains a collection of the practices of the Security Council as represented in its decisions, and related statements. For the purposes of the Repertoire, a "decision" is considered as any action taken by the Council which involves the adoption or rejection of a proposal in any form, whether by vote or otherwise. The term includes affirmative or negative

decisions, as well as proposals that were not adopted or failed of adoption. Furthermore, it includes statements by the President reflecting the consensus of the Council.

38. The arrangement of material in the Repertoire is determined by considerations of the user's ease of reference. The publication covers material bearing on the work of the Council arising from the provisions of the Charter, in connection with the Council's rules of procedure, or originating in the day-to-day work of the Council. It includes sections on broad aspects of the general authority of the Security Council as determined by the Council in the course of considering particular questions, as well as sections on the actions of the Council in the discharge of its functions and the exercise of its powers under the Charter.

39. The value of the Repertoire as a guide to the practice of the Security Council greatly benefits from the inclusion of indexes arranged by the Charter Articles, by the provisional rules of procedure of the Security Council and by subject-matter.

40. Over the years, the Repertoire has proved its usefulness in providing access to pertinent information and data on the practices and procedures of the Security Council contained in the labyrinth of vast volumes of published Official Records. As the Official Records of the Council expand in size from year to year, the Repertoire and the Supplements updating it have become infinitely more valuable reference sources and research tools.

41. The responsibility for the preparation of the Repertoire was entrusted to the Department of Political Affairs. When the project for the Repertory of Practice of the United Nations Organs was mandated by the General Assembly, the Branch was also assigned the responsibility of drafting analytical studies on 44 Charter Articles, out of 111, as inputs towards the Repertory.

42. The initial volume of the Repertoire, covering the period 1946-1951, was published in English and French in 1954. Since then nine Supplements have been issued, as follows:

	Date of issuance	
	English	French
Supplement 1952-1955	1957	1958
Supplement 1956-1958	1959	1960
Supplement 1959-1963	1965	1967
Supplement 1964-1965	1968	1970
Supplement 1966-1968	1971	1976
Supplement 1969-1971	1976	1978
Supplement 1972-1974	1980	1983
Supplement 1975-1980	1987	1987
Supplement 1981-1984	1992	Not yet issued

43. Work on the tenth supplement, covering the period 1985-1988, is nearing completion and, barring any major impediments, is expected to be completed during the first half of 1996. The preparation of studies for the Supplement 1989-1992 will commence in the first quarter of 1996 with the completion of drafting projected for the biennium 1996-1997. This next supplement of the Repertoire covering the years 1989 onwards will deal with a period in which substantial qualitative as well as quantitative changes in the pattern of the work of the Security Council took place.

B. Difficulties encountered

44. From its inception, the responsibility for drafting the studies for the Repertoire has been entrusted to a special unit within the former Department of Political and Security Council Affairs. After having gone through various stages of evolution, that unit, now designated as the Security Council Practices and Charter Research Branch, is currently an integral part of the Security Council Affairs Division within the restructured Department of Political Affairs.

45. In addition to its core functions of preparing studies for the Repertoire, the Branch also undertakes other specific tasks, such as instant research and the provision of background information or data on an urgent basis for the President and members of the Security Council on the Council's practice regarding procedural issues or on questions relating to the application of provisions of the Charter. Owing to the delay in the publication of the supplements updating the Repertoire or Repertory, requests for the provision of this type of information have become more frequent.

46. Preparation of indexes for the Supplements to the Repertoire was in previous years a task entrusted to a consultant with thorough familiarity with the subject-matter, the structure of the Repertoire and appropriate expertise in indexing. When the services of a consultant were discontinued, the relevant Department (see para. 44) submitted a request to the Publications Board to arrange for an outside contractor for the indexing. In the absence of action on that request, the preparation of the indexes has become an integral part of the work of the Security Council Services and Charter Research Branch. The indexes to the last four Supplements (1969-1984) have been prepared within the Branch, thereby putting in abeyance the preparation of studies for the following Supplements.

47. In recent years, with the growing need to find more cost-effective ways to perform its tasks, the Secretariat has engaged in constant reviewing and reordering of priorities. This has affected the Charter Research Branch, entrusted as it is with a long-term project and, by definition, one that deals essentially with the past. When the activities of the Security Council dramatically increased in connection with the situation between Iraq and Kuwait beginning in 1990, the efforts of a number of the officers of the Charter Research Branch, including the Chief, were required to meet the overriding necessity to service the Council and the Sanctions Committee established by resolution 661 (1990). This, inevitably, put a constraint on the progress of the work on the Repertoire.

48. In the past, the Branch was endowed with a full complement of staffing resources, with up to 13 staff members: 8 at the Professional level, including a Chief of Branch at the D-1 level and 2 Senior Officers at the P-5 level; a senior consultant, at the P-5 level, specifically for revising and indexing, a research assistant at the then Principal level (G-5) and 3 General Service (secretarial) posts. In subsequent years, however, the resources of the Branch have been significantly reduced and at present the established complement consists of only five Professional posts, including the Chief, and two General Service (secretarial) posts. As a result of the restructuring and streamlining of the Secretariat there has been a rapid turnover of staff, which has inevitably affected the pace of work as new officers invariably require time to familiarize themselves with the specialized nature of the task. At various times during the past few years, often for extended periods, no more than two officers have been continuously engaged on the work of the Repertoire.

49. When the Charter Branch was at its full strength, it took two to three years to prepare one supplement to the Repertoire; owing to the greater volume of the material to be covered, the studies for the supplements to the Repertory often took longer to prepare. With a full complement of staff resources in the Branch, it was possible to form two teams for the purpose of a simultaneous or parallel undertaking of the task of drafting studies both for the Repertoire and the Repertory. With the progressive growth of the workload over the years and the reduction in the staff resources of the Branch, the formation of parallel teams was no longer feasible.

50. Upon completion of the 1981-1984 Supplement to the Repertoire, it was concluded that the best course of action was to proceed with the drafting of studies for the next Supplement to the Repertoire covering the period 1985 to 1988. The factors taken into account in reaching this decision were that, as a reference source and as a research tool, the Repertoire was, and remains, in great demand by the end-users, particularly the members of the Security Council; that there was a growing volume of the Official Records of the Security Council and diminished staff resources of the Branch. Furthermore, as the annual reports of the Security Council to the General Assembly no longer contain any analysis, the Repertoire is the only document that provides an analytical record of the activities of the Council.

51. Unlike the Repertory, which is an official interdepartmental document, the Repertoire is a reference tool published by the Department of Political Affairs. It has become increasingly difficult for the Department to keep the Repertoire current on account of the increase of the work of the Organization in the area of maintenance of international peace and security, the attendant increase in the volume of the material to be covered and reduced staffing resources.

C. Possible courses of action

52. There is no doubt that the institutional memory for the practice of the Security Council should be recorded in a manageable and accessible way.

53. Proposals to improve the production of the Repertoire and of the contribution of the Department of Political Affairs to the Repertory might take

the following directions: (a) a re-examination of the conceptual framework set out at the inception with a view to streamlining the publication itself; (b) strengthening the productive capacity of the unit; and (c) introducing advanced technology.

54. In order to provide the Member States as soon as possible with long-overdue material, while taking into account the limitation of resources, it might be worth considering the publication of the Supplements in parts instead of waiting for the whole project to be completed. The first parts to be published would be those summarizing the activities of the Security Council arranged in chronological order according to agenda item. These would later be followed by the parts presenting the material organized by Articles of the Charter and the provisional rules of procedure.

55. The end-users would have at their disposal a succinct summary of the thrust and range of the activities of the Security Council over a given period. In addition, the first part can serve as a basis for cross-references for the subsequent parts. This would replace redundant or repetitious case histories with reference to the summary on the proceedings.

56. In order to expedite the availability of the data, the next Supplement (No. 11), which is projected to cover a four-year period, might be split into two, covering the years 1989-1990 and 1991-1992. As the drafting of Supplement No. 10 reaches its final stage and the ground is laid for the work on Supplement No. 11, consideration should be given to the fact that it will cover the period when the Security Council has resorted to various innovative practices in the conduct of its work. Thought might therefore be given to a new approach to the presentation of the material which would be acceptable to the Member States, conveniently adapted to their needs and, at the same time, manageable from the point of view of the Secretariat. For the next Supplement ways must be devised as to how best to treat the presentation of such aspects of the Council's work as the greater number of informal consultations, the increased number of communications from Member States giving their views on the questions before the Council, and the new dimension in the evolution of the role of the Council in response to new realities and challenges of a vastly transformed international system.

57. Attempts have been made in the past to bring up to date the Repertoire and to produce in a timely fashion the contribution of the Department of Political Affairs to the Repertory. It was proposed for this purpose that Supplements cover longer periods of time, six years instead of four on average, so as to narrow the gap between the period covered and the release of the publication, or shorter periods of two years, to achieve faster preparation. Experience of the past 40 years, however, demonstrates a direct correlation in the completion of the Supplements between the resources allocated to the Charter Research Branch, the expanding activity of the Council and, hence, the vast volume of material to be covered.

58. Despite the budgetary constraints of the Organization, it still has to be pointed out that bringing the Repertoire up to date and keeping up with the pace of the work of the Security Council would be impossible without additional human resources. In this regard, the Member States might consider making a commitment

to provide, at their own expense, and for a period of no less than 6 to 12 months, a number of Junior Professional Officers as well as interns, to participate in this work until the backlog is eliminated. The experience in other areas of the Organization with Junior Professional Officers and interns has proved to be mutually beneficial. In this connection, it would also greatly facilitate matters if Member States were able to provide, for example, professional indexers to work in English and French, respectively, to carry forward work on this aspect.

59. Consideration might also be given to the advisability of improving the format and the contents of the Repertoire, which was devised in a pre-computer age, so as to simplify the structure, avoid or reduce duplication and make it more user-friendly.

60. The installation of the Paradox database application designed for the Branch by the Electronic Services Division has proved an effective tool. The ongoing development of electronic data systems at Headquarters continues to offer a potentially substantial increase in the performance of the Charter Research Branch, facilitating both the assembly and the production of the Repertoire as well as the rapid servicing of requests from clients for other information related to the history and practice of the Security Council and different aspects of the Charter. The utility of the Repertoire can be greatly enhanced by transferring it into electronic form and providing the information on diskettes.

61. The local area network (LAN) is the backbone of information technology at the United Nations, yet currently only two Officers and one General Service staff are connected to the network. Therefore the Chief of the Branch and the two remaining Officers need to be connected to the LAN without delay if the expanded role of these technologies is to have full impact on the work of the Branch. Fortunately, as each office in the Branch is technically ready for connection to the LAN, maximizing LAN connectivity is only a matter of upgrading certain pieces of desktop PC hardware.

62. Connection to the LAN offers the Branch the possibility of installing the Electronic Services Division's Central Management Software (CMS) which in turn provides the delivery of applications such as the Optical Disk System (ODS) and mainframe access. Such applications, particularly the ODS, would greatly facilitate research by offering immediate desktop access to a host of United Nations documents and information in an electronic, hence searchable, form. The Division reports that there is currently a waiting list for connecting to the ODS. However, by emphasizing the high priority Member States place on the Security Council and its smooth servicing, installation of CMS could be hastened.

Notes

1/ Official Records of the General Assembly, Eighth Session, Annexes, agenda items 58, 70 and 72, document A/2415.

2/ A/C.6/343.

3/ General Assembly resolutions 992 (X) of 21 November 1955, 1136 (XII) of 14 October 1957, 1381 (XIV) of 20 November 1959, 1670 (XVI) of 15 December 1961, 1756 (XVII) of 23 October 1962, 1993 (XVIII) of 17 December 1963, 2114 (XX) of 21 December 1965, 2285 (XXII) of 5 December 1967, 2968 (XXVII) of 14 December 1972, 34/147 of 17 December 1979, 35/164 of 15 December 1980 and 36/123 of 11 December 1981.

4/ The Office of Legal Affairs, expecting delays in the preparation of studies for inclusion in Supplement No. 4, stated the following in its contribution to the proposed medium-term plan for the period 1980-1983, chapter 6, International justice and law, under the heading "Activities that are considered of marginal usefulness and the legislation requesting them":

> "Consideration might be given, however, to dispensing with the Repertory of Practice of United Nations Organs, requested by the General Assembly in its resolutions 796 (VIII), 992 (X), 2285 (XXII) and 2968 (XXVII), originally for the purpose of assisting the Assembly in the 10-year review of the Charter foreseen by the provisions of Article 109, paragraph 3, of that instrument. At present, it is merely a devise for recording the actions of the principal organs of the United Nations in relation to each Charter Article. It may be questioned whether the Repertory is the best devise for analysing and systematically reporting data about the law of the Organization. It appears that the form of presentation (derived from the original purpose) requires an unduly large input of professional time by the Office of Legal Affairs and other Secretariat units. Finally, the low priority assigned to it in those units has resulted in successive supplements falling ever further behind (now by about a decade), which further diminishes the usefulness of the Repertory as a research tool. On the other hand, a rapid updating or, preferably, a complete restructuring and restatement of this publication is far beyond the resources that are available to or might reasonably be requested by the Secretariat, especially in the light of more urgent legal publication projects." (Official Records of the General Assembly, Thirty-third Session, Supplement No. 6 (A/33/6/Rev.1), vol. I, para. 6.160 (d)).

5/ Ibid., Supplement No. 38 (A/33/38), para. 57.

6/ See A/C.6/40/SR.52, para. 2.

7/ In response to a budget request of the Office of Legal Affairs (Official Records of the General Assembly, Twenty-third Session, Supplement No. 5 (A/7205), vol. I, sect. 3, para. 41) and on the recommendation of the Advisory Committee on Administrative and Budgetary Questions (ibid., Supplement No. 7 (A/7209), paras. 138 and 142), the General Assembly approved in 1968 two

new posts (one P-5 and one G-5) for the purpose of coordinating the preparation and publication of the Repertory.

8/ See note 4.

9/ As appears from the annex, the Office of Legal Affairs is responsible for the preparation of 25 of the 135 initial studies.

10/ Ibid.

11/ Official Records of the General Assembly, Seventh Session, Annexes, Agenda item 55, document A/2170, paras. 104-106.

ANNEX

Secretariat units bearing primary responsibility for the preparation of studies on individual provisions of the Charter

Department of Political Affairs	Articles 1 (2), 2 (4), 3 to 12, 14, 15, 18, 20 to 54, 106 and 107
Office of Legal Affairs	Articles 1 (1), (3) and (4), 2 (1), (2), (3), (5), (6) and (7), 7, 13 (1) (a), 92 to 99, 102 to 105, 108 and 111
Department for Policy Coordination and Sustainable Development	Articles 13 (1) (b) (first clause) and 13 (2), 16, 55 (a), 56, 57 to 61, 62 (1), (3) and (4) and 63 to 91
Office of Programme Planning, Budget and Accounts	Articles 17 and 19
Office of Human Resources Management	Articles 8, 100 and 101
Centre for Human Rights	Articles 13 (1) (b) (second clause), 55 (c), 56 and 62 (2)